

REMARKS

The Office Action of April 28, 2003 and the references cited therein have been carefully considered. The indication that claims 4-6 contain allowable subject matter but are objected to because they depend from a rejected claim has been noted with appreciation. However, these claims are being retained in dependent form pending a final determination of the allowability of claim 1 from which they depend.

The rejection of claims 1-3 and 7 under 35 U.S.C. 103(a) as being unpatentable over the patent to Krug, et al in view of the patent to Burger, et al has been noted and is respectfully traversed. In urging this ground of rejection, the Examiner has essentially taken the position that the patent to Krug, et al teaches a method of processing x-ray images including the claimed step (a) of placing individual markings about the image of certain previously determined articles, but does not teach the concept of automatically and stepwise combining the individual markings as recited in step (b) of claim 1; that the patent to Burger, et al essentially teaches step (b) of claim 1 other than the concept of determining a ratio of an overlapping error of two adjoining individual markings to the total area (step(b) (2)); that the Examiner takes official notice that the step of determining a ratio as defined in claim 1 is well known; and that consequently to modify the Krug, et al method of processing an x-ray image by substituting the method of Burger, et al would be obvious to one skilled in the art and would result in applicant's claimed invention. It is submitted that even if the combination suggested by the Examiner were obvious to one skilled in the art, which applicant's does not believe to be the case, the resulting method would still not be the method defined in claim 1, and consequently in claims 2, 3 and 7 dependent thereon.

Initially, it is pointed out that the Krug, et al reference does not teach or render obvious the limitations found in the preamble and paragraph (a) of claim 1 as stated by the Examiner. Note that paragraph (a) of claim 1 requires "placing individual markings about the image of certain, previously determined articles; (Emphasis Added). This can clearly be seen in Fig. 3a and the subsequent Figs. 3b and 3c. The patent to Krug, et al does not place individual markings about any images. According to the Krug, et al patent, detected pixels are displayed on the monitor, either because they are bright or red or a characteristic color. Note that Figs. 9a to 9c depict a 4 x 4 box of pixels wherein the individual pixels are highlighted. Note that each block represents a pixel not an image. However, there is no marking about the image of an article. Thus, while the placings of the markings according to the present invention is intended to make the regions of interest in the x-ray image clearer, Krug, et al takes the opposite route in that the individual pixels are made easier to see and are indicated on the image. However, this is clearly not the same as placing an individual marking about an image of an article.

The patent to Burger, et al discloses a method relating to generating mark-up language documents containing picture segments. That is, picture segments are integrated into the documents to be processed. The "mark-up language documents" include HTML, SGML, XML. However, the method of Burger, et al does not relate to x-ray images. Accordingly, the initial question is why would one skilled in the art consider combining the teachings of an x-ray image method with a method for "mark-up language documents". It is submitted that one skilled in the art would not consider such a combination except through the use of hindsight after reading the present application.

As is known, HTML relates to a mark-up language and format for documents published on the World Wide Web, which can be viewed with a standard browser. HTML

consists of fixed elements and attributes which can be used in the form of specific sequences in the document. The document content is structured with the aid of so-called tags (markers) (See also <http://www.eds.schema.de/doku/html-deu/lex/begriff/html.htm>; <http://www.eds.schema.de/doku/html-deu/lex/begriff/sgml.htm>; <http://www.eds.schema.de/doku/html-deu/lex/begriff/xml.htm>). According to Burger, et al, the computer program cuts the original picture into sub-pictures, i.e., rectangular picture islands for each object, with further details of the method being found in lines 38-67 in column 5 to column 6, lines 1-36 of Burger, et al . The present invention, however, does not divide any image into segments, but rather places rectangular markings around images to point out the regions of interest to a person viewing the x-ray images (pictures). These markings are connected so that the use of several markings will not render the image unclear. That is, according to the present invention, the image itself is not changed, but only the marking placed in the image by combining surfaces is changed. Since the method of Burger, et al is entirely different than that disclosed in the present application and for an entirely different purpose, the substitution of same into the Krug, et al method would not be obvious to one skilled in the art, and moreover would not result in the invention as defined in the rejected claims of the present application.

It is further noted that the Examiner has taken Official Notice that the step (b) (1) of claim 1 of determining a ratio of the overlapping area of the two adjoining individual markings with the total area of one of the two individual adjoining markings is well known. While the general use of ratios with regard to one's use of ratios may be well known in the art, it is submitted that the specific ratio set forth in claim 1, particularly in the environment of the remaining limitations of these claims, is not considered to be common knowledge or well known in the art. Accordingly, it is

respectfully requested that the Examiner provide documentary evidence supporting his assertion. Moreover, it is submitted that taking any ratio would be completely contrary to the teachings of the Krug, et al or Burger, et al references, and in fact would change the Burger, et al method. Consequently, one skilled in the art would not consider substituting such a ratio into the method of Kruger, et al/Burger, et al suggested by the Examiner.

It is noted that in rejecting claim 3, the Examiner likewise has taken Official Notice with regard to the ratio defined therein, which is different than the ration defined in claim 1, i.e., it is more limited. Again, it is submitted that the particular ratio defined in the claim, particularly in a method as defined in the claim is not so well known that the Examiner can take Official Notice thereof. Accordingly, the Examiner is again requested to provide written authority supporting his contention of the Official Notice of the ratio specifically recited in claim 3.

For the above stated reasons, it is submitted that claim 1, as well as claims 2, 3 and 7 dependent thereon, are allowable over the combination of the Krug, et al and Burger, et al references under 35 U.S.C. 103(a).

Newly presented claim 8 is dependent on claim 1, and specifically recites that the marking is a rectangle that surrounds an image. It is submitted that this claim is allowable for at least the same reasons as claim 1 from which it depends.

For the above stated reasons, it is submitted that rejected claims 1-3 and 7 as well as newly presented claim 8, are allowable over the prior art of record. Accordingly, the allowance of claims 1-8 and the passing of this case to issue are respectfully requested.

If the Examiner is of the opinion that the prosecution of the application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,



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